

# PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the installation of a columbarium (cemetery).

(Note - a columbarium is a structure with recesses in the walls to receive the ashes of the dead.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s): Towson Presbyterian Church in trust for the Presbytery of Baltimore

(Type or Print Name)

Signature

Dr. George Gray Toole, Senior Minister

(Type or Print Name)

Signature

Chesapeake & Highland Aves.

Address

Towson, Md. 21204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 27th day of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of November, 1987, at 2:00 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING  
Date 11/30/87  
By [Signature]

E.C.O. No. 1

ESTIMATED LENGTH OF HEARING 1 1/2 HRS.

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO BUSINESS DAYS

November 30, 1987

Ken Davies, Esquire  
20 S. Charles Street  
Baltimore, Maryland 21201

Re: Petition for Special Exception  
Chesapeake and Central Avenues  
9th Election District; 4th Councilmanic District  
Towson Presbyterian Church - Petitioner  
Case No. 88-185-X

Dear Mr. Davies:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Special Exception has been Granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMN:bjs

Enclosures

cc: Rev. George Gray Toole  
955 Beaverbank Circle, Towson, Md. 21204

People's Counsel

File

IN RE: PETITION FOR SPECIAL EXCEPTION \*  
NW corner Chesapeake and  
Central Avenues  
9th Election District  
4th Councilmanic District  
Towson Presbyterian Church  
Petitioner

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-185-X

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for the installation of a columbarium (cemetery) at the Towson Presbyterian Church within the church's completely enclosed courtyard, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by the Reverend George Gray Toole, testified and was represented by counsel. Members of the Towson Presbyterian Church appeared to show its support for the Petition. There were no Protestants.

Testimony indicated that the subject property is zoned D.R. 5.5, consists of 1.52 acres, and is located at the corner of Chesapeake and Central Avenues. Rev. Toole testified that the church proposes to install a columbarium in response to requests of numerous members of the parish. A columbarium is a structure which recesses in the walls to receive the ashes of the dead. The columbarium proposed is to be installed completely within the church's enclosed courtyard. The Petitioner introduced Exhibit 2 as an example of what the columbarium would look like. The church plans to initially install 90 units. Rev. Toole indicated that the columbarium will be used by parishoners and members of their family.

Rev. Toole further testified that the installation of the columbarium would not increase the traffic or create a parking problem. Currently, funeral services are conducted on the premises and persons attending the funeral form a procession of cars and proceed to the appropriate cemetery. Rev. Toole indicated that, if anything, he felt the installation of the columbarium would create less danger to the health, safety and welfare of the community as there would be no funeral processions in those instances where the deceased are placed in the columbarium on the premises.

The Petitioner seeks relief from Section 1.802.1 pursuant to Section 502.1 of the BCZR.

It is clear that the BCZR permits the use proposed in a D.R. 5.5 zone by special exception. It must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements as set forth in Section 502.1. The Petitioner has shown that the proposed use will not be detrimental to the health, safety and general welfare of the locality; nor tend to create a congestion in roads streets or alleys therein, nor tend to overcrowd land and cause undue concentration of population, nor interfere with adequate provisions for schools, parks, conveniences or improvements; nor interfere with adequate light and air; nor be inconsistent with the purposes of the property's zoning classification; nor in any other way be inconsistent with the spirit and intent of the BCZR.

The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz vs. Pritts, 432 Md. 2, 1319 (1981). After reviewing all the testimony and evidence presented, it appears that the special exception should be granted.

-2-

ORDER RECEIVED FOR FILING  
Date 11/30/87  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 11/30/87  
By [Signature]

CARL L. DENHOLD  
PAUL R. CROSS  
JOHN A. ETEL  
WILLIAM H. GORDON  
GORDON T. LANDSON

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
417 DELAWARE AVENUE  
TOWSON, MARYLAND 21204  
823-4470

June 29, 1987

## Zoning Description

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the corner of a wall of the Chapel of the Towson Presbyterian Church, said point being distant the two following courses and distances from the intersection of the centerline of Central Avenue with the centerline of Chesapeake Avenue, viz: North 77 degrees 14 minutes East 36.42 feet, North 77 degrees 14 minutes East 87 feet and running thence and binding on the walls of said Chapel, the three following courses and distances viz: North 12 degrees 46 minutes East 36.42 feet, North 77 degrees 14 minutes East 25.67 feet and South 12 degrees 46 minutes West 36.42 feet and thence binding on other walls of the church building, the thirteen following courses and distances viz: North 77 degrees 14 minutes West 39.5 feet, North 12 degrees 46 minutes East 75.83 feet, South 77 degrees 14 minutes East 16 feet, South 12 degrees 46 minutes West 12 feet, South 77 degrees 14 minutes East 34.8 feet, South 12 degrees 46 minutes West 5 feet, South 77 degrees 14 minutes East 25.2 feet, North 12 degrees 46 minutes East 5 feet, South 77 degrees 14 minutes East 20 feet, South 12 degrees 46 minutes West 63.33 feet, North 77 degrees 14 minutes West 9.33 feet, South 12 degrees 46 minutes West 0.5 of a foot and North 77 degrees 14 minutes West 21.5 feet to the place of beginning.

Containing 0.12 of an Acre of land more or less.

Being the property of the petitioners herein and shown on a plat filed with the Baltimore County Zoning Department.



Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
484-4300

Paul H. Reincke  
Chief

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

July 28, 1987

Re: Property Owner: Towson Presbyterian Church

Location: NW/C Chesapeake & Central Avenues

Item No.: 13 Zoning Agenda: Meeting of 7/14/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

Pursuant to the advertising, posting of the property, and public hearing on this petition held, and for the reasons stated above, the special exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 30th day of November, 1987 that the installation of a columbarium (cemetery) at the Towson Presbyterian Church within the church's completely enclosed courtyard, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Exception is hereby GRANTED, from and after the date of this Order.

AMN:bjs

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 27th day of September, 1987

J. Robert Haines  
ZONING COMMISSIONER

Petitioner: Towson Presbyterian Church  
Attorney: [Signature]

Received by: [Signature]  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Courts Building, Suite 405  
Towson, Maryland 21204  
484-3334



Dennis F. Rasmussen  
County Executive

July 29, 1987

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Bureau of Traffic Engineering has no comments for items 1, 3, 5, 6, 7, 9, 10, and (13).

Very truly yours,

Michael S. Flanagan  
Traffic Engineer Associate II

MSF:lt



## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines, Zoning Commissioner  
FROM: Mr. Norman E. Gerbert, AICP, Director  
Office of Planning and Zoning  
SUBJECT: Zoning Petitions No. 88-152-A, 88-153-A, 88-154-A, 88-155-A, 88-156-A, 88-157-A, 88-158-A, 88-159-A, 88-160-A, 88-161-A, 88-162-A, 88-163-A, 88-164-A, 88-165-A, 88-166-A, 88-167-A, 88-168-A, 88-169-A, 88-170-A, 88-171-A, 88-172-A, 88-173-A, 88-174-A, 88-175-A, 88-176-A, 88-177-A, 88-178-A, 88-179-A, 88-180-A, 88-181-A, 88-182-A, 88-183-A, 88-184-A, 88-185-A, and 88-187-A.

There are no comprehensive planning factors requiring comment on the above numbered petitions.

Norman E. Gerbert  
Norman E. Gerbert, AICP, Director  
Office of Planning and Zoning

NEG/JN/jat  
cc: Mr. Shirley M. Hess, Legal Assistant, People's Counsel  
File

RECEIVED  
OCT 26 1987

ZONING OFFICE

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 4, 1987

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

MEMBERS  
Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Dr. George Gray Toole, Senior Minister  
Towson Presbyterian Church in trust for  
the Presbytery of Baltimore  
Chesapeake and Highland Avenues  
Towson, Maryland 21204

RE: Item No. 13 - Case No. 88-185-X  
Petitioner: Towson Presbyterian Church  
Petition for Special Exception

Dear Dr. Toole:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Gerhold, Cross & Etzel  
412 Delaware Avenue  
Towson, Maryland 21204

## PETITION FOR SPECIAL EXCEPTION

9th Election District - 4th Councilmanic District  
Case No. 88-185-X

LOCATION: Northwest Corner Chesapeake and Central Avenues

DATE AND TIME: Monday, November 16, 1987, at 2:00 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for the installation of a columbarium (cemetery) (structure with recesses to receive ashes of the dead) at the Towson Presbyterian Church within the church's completely enclosed courtyard

Being the property of Towson Presbyterian Church, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
NW Corner Chesapeake & Central : OF BALTIMORE COUNTY  
Aves., 9th District  
TOWSON PRESBYTERIAN CHURCH, : Case No. 88-185-X  
Petitioner :

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 27th day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to Dr. George Gray Toole, Senior Minister, Towson Presbyterian Church, Chesapeake & Highland Aves., Towson, Maryland 21204.

RECEIVED  
OCT 27 1987

ZONING OFFICE



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

J. ROBERT HAINES  
ZONING COMMISSIONER

Dr. George Gray Toole  
Chesapeake & Highland Aves.  
Towson, Md. 21204

Pet for Special Exception  
NW corner of Chesapeake & Central Aves.  
9th E.D. 4th C.D.  
88-185-X

This is to advise you that 98.69 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner

JRH:med

Typed copy sent 11/2/87

Dr. George Gray Toole  
Towson Presbyterian Church  
Chesapeake and Highland Avenues  
Towson, Maryland 21204

October 16, 1987

## NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION  
NW corner of Chesapeake and Central Avenues  
9th Election District - 4th Councilmanic District  
Towson Presbyterian Church - Petitioner  
Case No. 88-185-X

TIME: 2:00 p.m.

DATE: Monday, November 16, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 45811

RECEIVED FROM: Towson Presbyterian Church  
FOR: Posting and Advertising  
AMOUNT: \$ 98.69  
DATE: 11/2/87  
8 8040\*\*\*\*\*385512 2176F  
11/4 88-185-X  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 37708

RECEIVED FROM: Towson Presbyterian Church  
FOR: T-13 SE  
AMOUNT: \$ 100.00  
DATE: 11/2/87  
8 8171\*\*\*\*\*108001 5026F  
VALIDATION OR SIGNATURE OF CASHIER

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 28, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 28, 1987.

TOWSON TIMES,

Susan Stender Osbert  
Publisher

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 29, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 29, 1987.

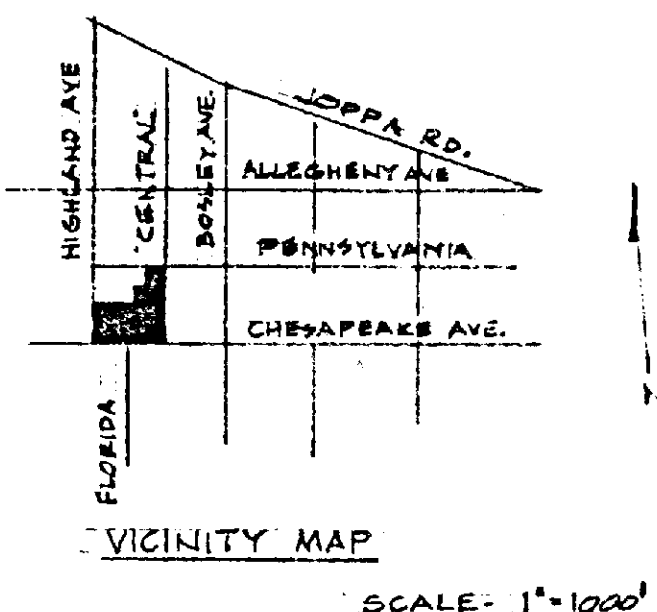
THE JEFFERSONIAN,

Susan Stender Osbert  
Publisher

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9th Date of Posting 11-30-87  
Posted for: Special Exception  
Petitioner: Towson Presbyterian Church  
Location of property: NW Corner of Chesapeake and Central Aves.  
Location of Sign: NE Corner of Chesapeake and Highland Aves.  
Remarks:  
Posted by: J. Robert Haines Date of return: 11-6-87  
Number of Signs: 1





NOTE:  
TOWNSON PRESBYTERIAN CHURCH  
IS PLANNING TO INSTALL NEW  
MACADAM AND LINES IN THE  
SUMMER OF 1987 IN THIS AREA  
AND ALONG HIGHLAND AVENUE.

RD OFFICES

RO OFFICES

RA

PLAY  
YARD

CENTRAL AVENUE

CHURCH "MANSE" PROPERTY

ADDITIONAL  
PARKING

RO OFFICES

C H E S A P E A K E

N. 77°-14' W.

- A V E N D E

DR 5.5

DR. 5.5

RS  
№ 205

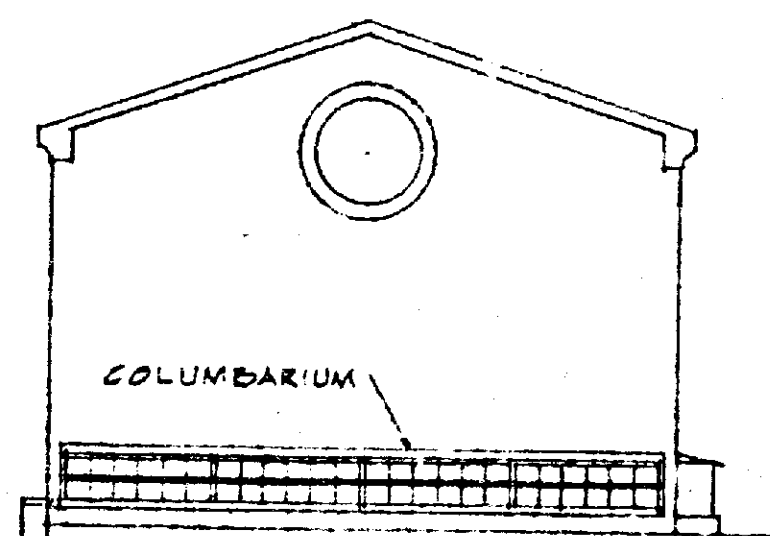
PLAT FOR ZONING VARIANCE  
FOR  
PROPOSED INSTALLATION OF COLUMBARIUM (CEMETERY) IN  
ENCLOSED COURTYARD  
TOWSON PRESBYTERIAN CHURCH  
TOWSON, MARYLAND  
9<sup>TH</sup> ELECTION DISTRICT, BALTO. COUNTY, MARYLAND  
TOTAL AREA CHURCH PROPERTY - 1.52 ACRES.  
EXIST. ZONING - DR 5.5

SCALE - 1" = 30'

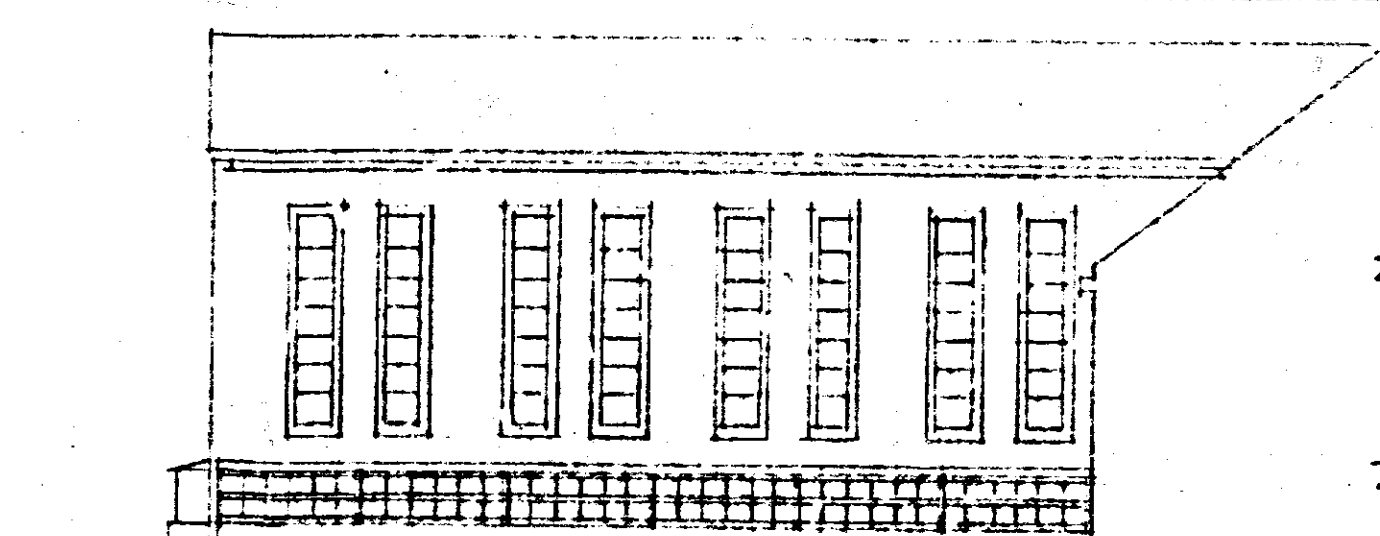
NOTES-

1. THE INSTALLATION OF THIS COLUMBARIUM: (CEMETERY) WILL BE WITHIN THE CHURCH'S COMPLETELY ENCLOSED COURTYARD.
2. NO MONUMENTS WILL BE ERECTED IN CONNECTION WITH THIS COLUMBARIUM.
3. THE USE OF THIS COLUMBARIUM WILL BE LIMITED PRIMARILY TO MEMBERS OF THE CHURCH'S CONGREGATION AND THEIR IMMEDIATE FAMILIES.
4. REQUIRED PARKING SPACES -  
A. 500 SANCTUARY SEATS DIVIDED BY 6 = 38 SPACES.
5. PARKING SPACES AVAILABLE -  
A. UNRESTRICTED CHURCH PARKING - 73 + SPACES.  
B. SUNDAY CHURCH PARKING - 323 SPACES.

6. BY ORDER OF BALTO. COUNTY BOARD  
OF APPEALS, ON JUNE 16, 1985, A USE  
PERMIT WAS GRANTED TO THE  
TOWSON PRESBYTERIAN CHURCH TO  
MAKE A MAXIMUM OF 32 PARKING  
SPACES AVAILABLE TO 305 CHESA-  
PEAKE AVE. MONDAY THRU FRIDAY.  
CASE # 85-176-SPH.



NORTH ELEV.



WEST ELEV., EAST ELEV. SIMILAR

COLUMBARIUM (CEMENTERY) ELEVATIONS  
SCALE: 1/8" = 1'-0"



Petitioners  
Exhibit #1

JUNE 17, 1987 / REV. JUNE 29, 1987  
GERHOLD CROSS & ETZEL  
REGISTERED LAND SURVEYORS  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204